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C O N F I D E N T I A L ZAGREB 000488

SIPDIS

THE HAGUE FOR JOHNSON AND KAYE
DEPARTMENT FOR S/WCI AND EUR

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TAGS: [KAWC](#) [PREL](#) [PGOV](#) [BK](#) [HR](#)

SUBJECT: ICTY INDICTMENTS OF BOSNIAN CROATS

REF: A. ZAGREB 456

1B. ZAGREB 425

Classified By: DCM Patrick S. Moon for reason 1.5 (b,d)

Summary

11. (C) Foreign Minister Zuzul told the Ambassador on March 22 that the GoC would do everything it could to ensure Croatian citizens indicted by ICTY for crimes in Bosnia were transferred to The Hague, but could not guarantee that the process would go as smoothly as in the cases of Cermak and Markac. Zuzul said that the "most logical and efficient" way for the GoC to receive the indictments would be for the Government of BiH to present a formal request to the GoC for assistance in execution. Zuzul said that the GoC is still considering its options to raise more forcefully its objections to the text of the recent indictments against Cermak and Markac (ref b). End Summary.

12. (C) On March 22, the Ambassador met with Croatian Foreign Minister Miomir Zuzul to discuss aspects of an upcoming trip to the U.S. The Ambassador used the opportunity to remind Zuzul that the international community expects Croatia to continue to cooperate fully with the ICTY in the case of indictments against a number of Bosnian Croats. Croatia's track record of cooperation with the Tribunal was greatly improved by the GoC's management of indictments against Ivan Cermak and Mladen Markac, both of whom surrendered to ICTY custody on March 11.

13. (C) Zuzul reiterated the Sanader government's commitment to full cooperation with ICTY, but pointed out that not all aspects of the indictments against the Bosnian Croats are under GoC control, as they were with Cermak and Markac. In the latter case, GoC was able to "manage the process" of the indictments to exclude any outcome other than the prompt transfer of the PIFWCS to The Hague. Zuzul said that since several of those expected to be named in new indictments of Bosnian Croats are Croatian citizens and reside in Croatia, the GoC is ready to cooperate, but the process may not be as smooth.

Croatia Seeks "Formal Requests" from GoBiH

14. (C) Zuzul said that the method by which the GoC is asked to help secure indictees' transfer is important. After all, Zuzul explained, if our shared goal is to support the development of BiH as a sovereign state, we should follow the appropriate form. Croatia seeks formal requests from the government in Sarajevo for assistance in delivering the indictments and transferring indictees.

Objecting to Language Doesn't Mean "Not Cooperating"

15. (C) Zuzul said that the GoC was still considering how best to voice its objections to the language in the Cermak and Markac indictments. The GoC had concluded that its status as "amici curiae" might not be strong enough. The Cermak and Markac indictments had crossed the line from being an indictment of individuals to an accusation against Croatia; Croatia should have the right to defend itself separately from the individuals. Zuzul said that one U.S.-based adviser told him that the Prosecutor's inappropriate characterization of Croatia's war might end up helping the indictees. (Note: the text of the indictments used the term "joint criminal enterprise" to describe parts of Croatia's war of independence and named former President Tudjman as an accomplice. End Note.) Zuzul said that PM Sanader is doing his best to keep political grandstanding about the indictments to a minimum. So far, the GoC has avoided an open debate in the Sabor, but it may not be long before this issue is given a more public airing.

16. (C) Zuzul said that PM Sanader had sent the President of the Court a letter (with a copy to Chief Prosecutor del Ponte) voicing GoC objections to the text of the indictment. Zuzul was quick to point out that this line of action must

not be seen as a deviation from the GoC's resolve to continue full cooperation with the Tribunal, but rather as a separate track. Other moves on this track include a meeting between Justice Minister Vesna Skare Ozbolt and, eventually, a

meeting for FM Zuzul with the President of the Court. When the latter meeting is scheduled, Zuzul concluded, Croatia will make a more formal representation to the USG.

Comment

17. (C) Zuzul clearly knows that the Sanader government's cooperation with ICTY is under an international microscope, and we expect Croatia will act in a way that will not negatively affect Croatia's aspirations for integration into Euro-Atlantic institutions. While Zuzul's preference for a formal request for assistance from the GoBiH likely stems more from his Government's desire for a small measure of political cover rather than its desire to respect the state institutions of BiH, he has a point.

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